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**FACSIMILE COVER SHEET**

DATE: September 21, 2007

TO: Examiner Brendan O. Baggot  
 TC Art Unit: 1638

Fax No.: (571) 273 8300

FROM: Charles L. Gagnebin III

No. of pages transmitted  
 (including this page): 4

Our File: MBP-033XX

Time:

Your Ref:

Application No. 10/566,201  
 Filed Date: January 27, 2006  
 Confirmation No.: 8282

Sent by: Marilyn

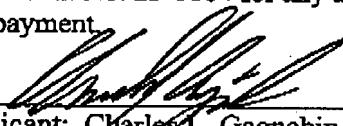
A confirmation copy of this transmission will not be mailed unless the following is checked: [ ]  
 MESSAGE

PLEASE DELIVER DIRECTLY TO:  
 EXAMINER BRENDAN O. BAGGOT, Tel. (571) 272-5265  
 TC ART UNIT NO: 1638

**FOR ENTRY**

Enclosed for filing please find a Response.

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
 Attorney for Applicant: Charles L. Gagnebin III  
 Registration No. 25,467

CLG/mrb/357250.1

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Rev 9/06

Application No.: 10/566,201  
 Filed: January 27, 2006  
 TC Art Unit: 1638  
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**WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP**  
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SEP 21 2007

Via Facsimile  
**COMMISSIONER FOR PATENTS**  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Date: September 21, 2007

**Attorney**  
 Docket No.: MBP-033XX

Sir:

In re application of: Artur Pfitzner et al.

**Entitled: INDUCIBLE PROMOTERS FOR THE EXPRESSION OF PROTEINS IN PLANTS AND METHOD FOR DETECTING THEM**

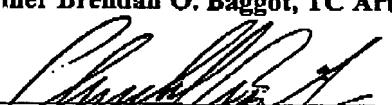
Transmitted herewith is an amendment in the above-identified application. The following checked items are applicable:

- [ ] This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$\_\_\_\_\_) per §1.17(e).  
 [ ] Enter the unentered amendment previously filed on \_\_\_\_\_ per §1.116.
- Small Entity Status is asserted.
- [ ] A Petition for Extension of Time for \_\_\_\_ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$\_\_\_\_\_) per §1.17.
- In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- [ ] Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	2 - 3	= 0	x \$200.00 =	0
Total	32 - 32	= 0	x \$ 50.00 =	0
[ ] Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
			SUBTOTAL ADDITIONAL FEE	0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
			TOTAL ADDITIONAL FEE	0

- No additional fee.      [ ] The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$\_\_\_\_\_) for the cost of same.
- The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Brendan O. Baggot, TC Art Unit 1638, Fax No. (571) 273 8300, on 9-21-07.

  
 Attorney of Record: Charles L. Gagnebin III  
 Registration No. 75,474

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PATENT

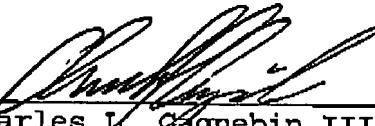
Rev 02/07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Artur Pfitzner, et al.  
 Application No. : 10/566,201  
 Filed : January 27, 2006  
 Confirmation No. : 8282  
 For : INDUCIBLE PROMOTERS FOR THE EXPRESSION OF  
       PROTEINS IN PLANTS AND METHOD FOR DETECTING  
       THEM  
 Examiner : Brendan O. Baggot  
 Attorney's Docket : MBP-033XX

TC Art Unit: 1638

\* \* \* \* \*  
 I hereby certify that this correspondence is being sent via  
 facsimile to Examiner Brendan O. Baggot, TC Art Unit 1638, Fax No.  
 (571) 273 8300, on 9-21-07.

By:   
 Charles L. Gagnebin III  
 Registration No. 25,467  
 Attorney for Applicant(s)

\* \* \* \* \*

RESPONSE

Via Facsimile  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 21, 2007, Applicants request that the Office Action be withdrawn and a new Office Action issued. In the Office Action of June 21, 2007 only a non-elected invention, the NIMIN-1 promoter of SEQ ID NO:1, has been examined. However, on March 16, 2007, Applicants elected SEQ

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Application No. 10/566,201  
Filed: January 27, 2006  
TC Art Unit: 1638  
Confirmation No.: 8282

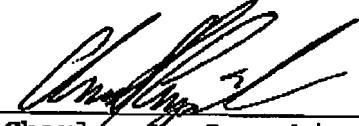
ID NO:2 for examination, as required by the Restriction Requirement mailed February 16, 2007.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

Artur Pfitzner, et al.

By:

  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

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CLG/LJH:mes/357240.1

-2-

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